

Whistleblowing Policy

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# Key Details

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| **POLICY TITLE** | Whistleblowing Policy |
| **DATE APPROVED** | June 2023 |
| **APPROVING BODY** | Audit Committee |
| **VERSION** | 7.0 |
| **PREVIOUS REVIEW DATES** | June 2022 |
| **NEXT REVIEW DATE** | June 2026 |
| **OUTCOME OF EQUALITY IMPACT ASSESSMENT** | Proceed with no major change |
| **RELATED POLICIES / PROCEDURES / GUIDANCE** | * Anti Bribery Policy
* Counter Fraud and Corruption Policy
* Complaints Policy and Procedure
* Information Security Policy
* Code of Professional Conduct
* Code of Practice on Freedom of Speech
* Staff Disciplinary Policy
* Staff Grievance Policy
 |
| **IMPLEMENTATION DATE** | Immediate |
| **POLICY OWNER (JOB TITLE)** | University Secretary  |
| **UNIT / SERVICE** | Secretariat |
| **CONTACT EMAIL** | whistleblowing@cardiffmet.ac.uk |

# Version Control

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| --- | --- | --- |
| **VERSION** | **DATE** | **REASON FOR CHANGE** |
| 1.0 | December 2002 | First version |
| 2.0 | July 2008 | Second version |
| 3.0 | February 2013 | Third version |
| 4.0 | November 2016 | Fourth version |
| 5.0 | April 2019 | Minor update |
| 5.1 | April 2021 | Update contact details |
| 6.0 | March 2022 | Full review (consultation draft) |
| 6.1 | April 2022 | To incorporate comments made during the consultation process |
| 6.2 | May 2022 | To incorporate comments made by Management Board on 4 May 2022 |
| 7.0 | June 2023 | Review to respond to sector best practice, requested by Audit committee |

**Mae'r ddogfen hon hefyd ar gael yn Gymraeg** / This document is also available in Welsh

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# Purpose

## Cardiff Metropolitan University is committed to conducting its business ethically and honestly. We expect all staff to maintain high standards of professional behaviour as outlined in the [Code of Professional Conduct](https://www.cardiffmet.ac.uk/about/policyhub/Documents/code-of-professional-conduct.docx). However, all organisations face the risk of things going wrong occasionally and/or of unknowingly harbouring illegal, unethical or undesirable conduct. We recognise that the creation of a culture of transparency and accountability is essential to prevent such situations occurring and to address them appropriately when they do occur.

## This Whistleblowing Policy aims to:

### Encourage individuals to disclose suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated appropriately, and that their confidentiality will be respected.

### Provide guidance on how to raise whistleblowing concerns.

### Reassure individuals that they can raise concerns without fear of victimisation or reprisals even if the concerns are investigated and found to be misplaced.

## The Policy has been written to take account of the provisions of the [Public Interest Disclosure Act 1998](https://www.legislation.gov.uk/ukpga/1998/23/contents). This Act applies to individuals raising genuine concerns relating to some actual or potential danger, fraud or other illegal or unethical conduct. It provides legal protection to prevent employees being penalised as a consequence of making a qualifying disclosure (a definition for which is given below at 3.5) which they believe is in the public interest to disclose.

# Scope

## This Policy applies to all employees and students of Cardiff Metropolitan University and those people currently engaged to work at the University, including student employees, casual staff, interns, contractors, agency workers and those on honorary contracts. The policy also applies to members of the Board of Governors.

## This Policy applies to any disclosure raised by those individuals listed at 2.1 (above) in the public interest and in good faith relating to suspected wrongdoing or dangers at work or study. This might include:

### criminal activity

### failure to comply with any legal or professional obligation or regulatory requirements

### miscarriages of justice

### a risk to the health and safety of an individual

### damage to the environment

### financial malpractice or impropriety or fraud

### academic or professional malpractice

### improper conduct or unethical behaviour

### aiding, abetting, or condoning any of the above matters and//or the deliberate concealment of any of the above matters

## The Whistleblowing Policy cannot be used by individuals to seek reconsideration of any matter already addressed under other internal procedures, for example in relation to disciplinary or grievance procedures. It also cannot be used for complaints relating to individual personal circumstances where there is no public interest dimension. In those cases, the Staff Grievance Policy or Complaints Policy and Procedure should be used as appropriate. Copies of all the University’s policies can be downloaded from the [Policy Hub](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx) on the University’s website.

## If individuals are uncertain whether this Policy applies to their particular concern, advice can be sought from the Whistleblowing Officer (see 10.2) or from the relevant Trade Union. Individuals requiring independent advice or support at any stage, can contact the charity [Protect](https://protect-advice.org.uk/), whose lawyers provide free, confidential advice. Information on key contacts for whistleblowers is given at section 12 below.

## Members of the public should refer to the University’s [Complaints procedure.](https://www.cardiffmet.ac.uk/registry/Pages/Complaints.aspx)

# Definitions

## A **whistleblower** is a person who raises a reasonably held concern relating to any public interest matter such as those outlined in 2.2 above.

## **Whistleblowing** is not legally defined but is a term used to describe incidents where an individual discloses an alleged wrongdoing or dangers deemed to be in the public interest.

## The **Whistleblowing Officer** role at Cardiff Metropolitan University is carried out by the University Secretary. See 10.2 for further information.

## A **Trusted Person** is an alternative member of staff who might be approached with a concern if the individual does not wish to approach the Whistleblowing Officer.

## A **qualifying disclosure** is one which, in the reasonable belief of the person making a disclosure, is in the public interest to disclose, for example because it relates to illegal or unethical conduct (such as that outlined in 2.2).

## **Wrongdoing** refers to improper, unethical, illegal or negligent behaviour.

# How to Raise a Whistleblowing Concern

## Students should raise genuine concerns (as listed at 2.2 above) at the earliest opportunity with their personal tutor or Head of Department in the first instance. Employees should contact their Head of Department in the first instance. Concerns can be raised either in person or in writing.

## The Personal tutor or Head of Department may be able to agree a way of resolving the issue raised quickly and effectively. In relevant cases they will refer the matter to the University’s designated Whistleblowing Officer.

## Concerns raised under the University’s [Complaints Policy](https://www.cardiffmet.ac.uk/registry/Pages/Complaints.aspx) that fall into themes listed at 2.2 will be passed to the Whistleblowing Officer by the Complaints Manager.

## For more serious matters, or where an individual considers that the concern has not been satisfactorily addressed, and/or they would prefer not to raise the issue with their tutor/Head of Department for any reason, they should contact the Whistleblowing Officer. If the disclosure relates to the Whistleblowing Officer, they should contact the President and Vice Chancellor. If the disclosure relates to the President and Vice Chancellor, the Chair of the University’s Audit Committee should be contacted. Contact details are set out at in section 12 below.

## When making a disclosure, an individual should provide a description of their concerns including, wherever possible, detailed information such as dates of events, names of those involved, meetings held, correspondence received, names of any witnesses, and a reference to relevant documents or policies, using the Whistleblowing form.

## Whenever a disclosure is received, the person to whom it is made should make a record of its receipt, acknowledge it, and record any subsequent action taken.

## Individuals have the right under this Policy to submit whistleblowing disclosures in the medium of Welsh. In accordance with the Welsh Language Standards, other elements of these procedures as outlined in section 6 may also be undertaken in Welsh.

# Confidentiality and Anonymity

## The University hopes that all individuals will feel able to voice whistleblowing concerns openly under this Policy. Should an individual wish to raise a concern confidentially, then the University will ensure that it does not reveal a reporting individual’s identity to anyone, other than those involved in investigating the concerns. If it becomes necessary for anyone else to know a reporting individual’s identity in order to adequately investigate the concern, the University will discuss with the reporting individual first.

## The University wants individuals to feel comfortable about raising a whistleblowing concern openly, however as an alternative an individual may decide to raise a whistleblowing concern anonymously. This is preferable to remaining silent. Whilst concerns that are reported anonymously will be investigated, it may be difficult for it to be undertaken properly as further information may be required. Furthermore, an individual will not be able to receive feedback. If a reporting individual is concerned about possible reprisals should their identity be revealed, then they should report their concern to the Whistleblowing Officer who will consider whether it can be appropriately considered and investigated anonymously.

## If an investigation gets to a stage where the identity of the individual who has made the disclosure may become known to the accused, or where it becomes necessary to inform the accused so that they can respond to the disclosure, the individual will be notified of this in advance.

# Responding to a Whistleblowing Concern

## Any disclosure raised under this Policy to the Whistleblowing Officer will be the subject of an initial assessment by the Whistleblowing Officer or their nominee (respectful of any conflict of interest). This initial assessment will be completed within ten days: if this timeframe is not possible, the reporting individual will receive an explanation for the delay.

## The initial assessment will determine whether there is prima facie indication of malpractice. The Whistleblowing Officer may conclude that a full and formal investigation would be inappropriate because there is no substantive case to answer, insufficient or inadequate evidence has been provided or that other channels should be more appropriately used to address the concern (for example in cases where there is no public interest dimension). This initial assessment will also determine whether the matter should be considered under a different University policy or procedure (see section 10).

## The outcome of this initial assessment will be reported to the reporting individual, including the rationale for the decision and details of any next steps.

## If there is prima facie indication of malpractice, the Whistleblowing Officer will appoint an Investigating Officer who may be a senior member of University staff, or an individual who has been suitably trained in investigating practice (either internal or external). Whilst the aim will be for the Investigating Officer to complete a full investigation within 20 working days, the level of investigation and time this will take will vary depending on the nature of the suspected wrongdoing. In more complex situations where further time is required, the reporting individual will receive an explanation for the delay and will be kept informed as the investigation progresses.

## Meetings with the reporting individual may be required throughout the process. Individuals may attend these meetings accompanied by a work colleague or a trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

## Where a disclosure is made relating to malpractice of an individual (or group of individuals), and it is decided that an investigation is to be carried out, the person or persons against whom the allegation is made must be told of the allegation, the evidence supporting it, and be allowed to comment before the investigation is concluded and a report made. If any investigation meetings are held with any individual(s) subject to a whistleblowing allegation, or any witnesses, those individuals will be permitted to attend accompanied by a work colleague, a Trade Union representative, or a Student Union representative (in the case of students). The Investigating Officer is responsible for ensuring that individuals subject to such an investigation are signposted to appropriate support, both during the investigation, and once it has concluded.

## Where the investigation confirms that malpractice has occurred by any party, appropriate University procedures will be initiated, e.g. staff disciplinary procedures.

## At any stage in the investigation, if the Investigating Officer concludes that the matter poses significant organisational or reputational risk, and/or warrants a report to an external body or government agency (such as a regulator or the police), this should be undertaken by the Whistleblowing Officer with the Vice-Chancellor, Chair of Audit Committee and Chair of the Board of Governors being informed accordingly.

## Where an investigation confirms that there is no malpractice or wrongdoing, the matter is effectively dismissed, and no further action is taken. The reporting individual will be informed of the outcome and the rationale for the decision.

# Right of Review

## If the reporting individual believes that the University’s handling of the disclosure was flawed (either that procedures have not been followed properly, that there is evidence of prejudice or bias or that there is further evidence of alleged malpractice that has emerged since the original disclosure) then they may request a review from the Chair of Audit Committee (who is an independent governor). This request for review must be made within 10 working days of receipt of the outcome.

## Once a request for review had been received, the Chair of the Audit Committee will determine if the request for review meets the grounds as set out above. If the request does not meet the grounds for review, the Chair of the Audit Committee will inform the reporting individual of this decision within 10 working days. This decision shall be final and reported to the President and Vice Chancellor, and to the Chair of the Board of Governors.

## If there are grounds for a review, the Chair of Audit Committee will appoint an independent member of the Board of Governors (who has had no involvement previously in the case) to undertake the review. They will provide a report on the outcome to the reporting individual and to the President and Vice Chancellor and the Chair of the Audit Committee. The Chair of the Audit Committee shall decide what further action should be taken in response and their decision in this respect shall be final.

## Information on raising concerns outside of the University can be found in section 8 below.

# External Disclosures

## The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the University. In most cases a Whistleblower should not find it necessary to alert anyone externally.

## If, following use of the procedures outlined above, an individual still has concerns, and/or considers that the matter is so serious that it cannot be raised with any of the above named individuals, a disclosure may be made externally to the [Higher Education Funding Council for Wales (HEFCW)](https://www.hefcw.ac.uk/en/) or to the University’s Internal Auditors, [TIAA](https://www.tiaa.co.uk/).

## The independent whistleblowing charity, [Protect](https://protect-advice.org.uk/), operates a confidential helpline. They have a list of prescribed regulators for reporting certain types of concern that might be helpful in such circumstances.

## Nothing in this Policy removes the right of any individual to report a suspected crime to the police at any time.

# Rights and Responsibilities of Whistleblowers

## Any individual raising a whistleblowing concern is guaranteed that it will be regarded as confidential until a formal investigation is initiated. Thereafter, their identity may be kept confidential, if requested, unless this is incompatible with a fair investigation, or if there is an overriding reason for disclosure (for example, if police involvement is required). This will be discussed with the individual raising the concern as outlined in section 5. A similar duty of confidentiality rests with the individual raising the concern.

## Provided the whistleblowing concern is raised lawfully and without malice, the individual raising the concern should not receive unfavourable treatment in any way as a consequence of raising the matter.

## Harassment or victimisation of an individual who has raised whistleblowing concerns will not be tolerated, and will be treated as a serious disciplinary offence.

## If any individual who raises a concern under the terms of this Policy feels that they have been treated unfavourably as a result, they should contact the Whistleblowing Officer immediately.

## If a whistleblowing matter is not confirmed by the investigation, no action will be taken against the individual who made the disclosure. If, however, a reporting individual is found to have been made malicious or vexatious allegations, action may be taken, in accordance with the relevant University staff or student disciplinary procedures.

# University Roles and Responsibilities

## **Audit Committee** has overall responsibility for the Policy and for reviewing the effectiveness of actions taken in response to concerns raised.

## The **Whistleblowing Officer** is the University Secretary. They have day-to-day operational responsibility for the Policy and will ensure that all individuals who deal with whistleblowing concerns or investigations receive appropriate training. The Whistleblowing Officer will keep a register of all disclosures received and outcomes. They will also produce an annual report for Audit Committee which will cover the following matters:

### A summary report of the number and type of concerns raised;

### A summary report of the outcomes of any subsequent investigations;

### Feedback from individuals accessing and using the Policy;

### Staff awareness of whistleblowing arrangements.

## **All individuals** are responsible for the success of this Policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Individuals are invited to comment on this Policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Whistleblowing Officer.

## Any named roles in this Policy include nominees of that individual.

# Related Policies and Procedures

## This Policy should be read in conjunction with the following related policies and procedures:

### Anti Bribery Policy

### Anti Money Laundering Policy

### Counter Fraud and Corruption Policy

### Code of Practice on Freedom of Speech

### Information Security Policy

### Code of Professional Conduct

### Staff Disciplinary Policy

### Staff Grievance Policy

### Research Misconduct Policy

### Complaints Policy and Procedure

### Student Disciplinary Procedure

## Copies of all policies are available on the University’s [Policy Hub](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx).

## Individuals who are uncertain as to which Policy applies in respect of their concern can seek advice from the Whistleblowing Officer or Trusted Persons.

# Contacts

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| **Whistleblowing Officer**(University Secretary)  | Greg Lane (Acting University Secretary) gjlane@cardiffmet.ac.uk whistleblowing@cardiffmet.ac.uk  |
| **Trusted Persons** | Matt Dunstan (Head of Compliance)mdunstan@cardiffmet.ac.uk  |
| **President and Vice-Chancellor** | Professor Rachael LangfordRELangford@cardiffmet.ac.uk  |
| **Chair of Audit Committee****(Independent Governor)** | Scott WaddingtonContact via AuditChair@cardiffmet.ac.uk or via the Head of Governance, marking correspondence as FAO Chair of the Audit Committee |
| **Chair of the Board of Governors** | John Taylor CBEContact via chair@cardiffmet.ac.uk or via the Head of Governance, marking correspondence as FAO Chair of the Board of Governors |
| **Employee Assistance Programme (EAP)** | Free confidential helpline available 24/7 that provides independent specialist wellbeing support and personal legal information Tel: 0800 280 199 |
| **Student Support** | Student Services support detailed at https://www.cardiffmet.ac.uk/study/studentservices/Pages/default.aspx |
| **University and College Union (UCU)** | UCU@cardiffmet.ac.uk <https://www.ucu.org.uk/>  |
| **UNISON** | UNISONBranchOffice@cardiffmet.ac.uk <https://www.unison.org.uk/>  |
| **Protect**(Independent whistleblowing charity) | Helpline: (020) 3117 2520 E-mail: via their online form<https://protect-advice.org.uk/>  |

# Review and Approval

## The University Secretary is responsible for the operation and review of the Whistleblowing Policy. Staff and trade unions will be consulted as part of any policy review. Staff are welcome at any time to provide feedback on the policy via whistleblowing@cardiffmet.ac.uk.

## The approving authority is Audit Committee. The maximum period between reviews is three years.